

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1, 15, 28, 29, and 31-46; claims 5, 19, and 30 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-4, 6-18, 20-29, and 31-47 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. §101

The Examiner rejected claims 28-46 on the asserted basis that those claims are directed to non-statutory subject matter. In response, the Applicant has amended claims 28, 29, and 31-46 to claim statutory subject matter. No new matter has been added. Support for the amendment is found on page 16, line 26 to page 17, line 6. Therefore, the allowance of claims 28-46 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-13 and 15-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lindholm, *et al.* (US 2004/0117500). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 1 and 28 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

Claim 1 has been amended to incorporate the limitations of claim 5. Claim 5 has been canceled. Claim 15 has been amended to incorporate the limitations of claim 19. Claim 19 has been canceled.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may

be part of a device embodying the same general overall concept. Lindholm fails to anticipate each and every limitation of claim 1. Therefore, claim 1 is not anticipated.

Claim 1 recites:

1. A tamper-resistant identity module adapted for physical engagement with a client system, the module comprising:
means for receiving digital content over a network and a digital-content usage device, wherein said tamper-resistant identity module comprises a digital rights management (DRM) agent for enabling usage of said digital content; and
means for performing at least part of an authentication and key agreement (AKA) procedure, and said DRM agent includes means for performing DRM processing based on information from said AKA procedure. (emphasis added)

Lindholm discloses a method for delivering streaming media. An Order Server authenticates a Client and sends a ticket to the Client. The Client sends the ticket to Streaming Server. The Streaming Server checks the ticket for validity and if found valid encrypts the streaming data using a standardized real-time protocol. The Client receives the data and decrypts it. Lindholm further discloses a DRM module, such as a special purpose tamper resistant integrated circuit or a physically protected device.

In contrast, the Applicant's invention provides a tamper-resistant **identity module** which includes an integrated DRM agent. The DRM agent is incorporated into the tamper-resistant identity module. The present invention allows the tamper-resistant identity module with incorporated DRM agent to be portable for use in other media reading devices.

Lindholm fails to disclose that the DRM agent is incorporating within the identity module. In fact, Lindholm clearly discloses that the DRM agent and the identity module are separate from each other (see FIG. 2A of Lindholm), where the IM is clearly separate from the DRM module.

Therefore, Lindholm does not disclose all the limitations as recited in claim 1. Specifically, Lindholm does not disclose that the tamper-resistant identity module comprises a digital rights management (DRM) agent. Independent claim 15 contains limitations analogous to claim 1 and also is not anticipated by Lindholm. Claims 2-4 and

6-13 depend from novel claim 1 and recites further limitations in combination with the novel elements of claim 1. Claims 16-18 and 20-27 depend from novel claim 15 and recites further limitations in combination with the novel elements of claim 15. Therefore, the allowance of claims 1-4, 6-13 and 15-18, and 20-27 is respectfully requested.

Claims 1, 14 and 28-47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kontio, *et al.* (US 2004/0249768). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 1 and 28 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

Claim 1 has been amended to incorporate the limitations of claim 5. Claim 5 has been canceled. Claim 28 has been amended to incorporate the limitations of claim 30. Claim 30 has been canceled.

Kontio discloses a DRM agent in mobile communications environment. However, Kontio also fails to disclose a tamper-resistant identity module incorporating a DRM agent. Nowhere in Kontio does it disclose having a tamper resistant identity module with a DRM agent. The Examiner cites paragraphs 52 and 149 as disclosing a tamper resistant identity module. The Applicant respectfully disagrees with this characterization. Kontio merely discloses using tamper resistance techniques, but does not disclose a tamper-resistant identity module. Therefore, Kontio also fails to anticipate the Applicant's invention.

Kontio does not disclose a tamper-resistant identity module incorporating a DRM agent as recited in independent claims 1, 28, and 47. Therefore, Kontio does not anticipate the Applicant's claimed invention. Claim 14 depends from novel claim 1 and recites further limitations in combination with the novel elements of claim 1. Claims 29 and 31-46 depend from novel claim 28 and recites further limitations in combination with the novel elements of claim 28. Therefore, the allowance of claims 1, 14 and 28, 29, and 31-47 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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